



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Director

JUL 13 2006

Washington, DC 20226

Honorable Todd Tiahrt
Member of Congress
2441 Rayburn House Office Building
Washington DC 20515

Dear Mr. Tiahrt:

This is in response to your June 16, 2006, letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regarding language in ATF's appropriations since fiscal year 2003 that has restricted the disclosure of ATF firearms trace information. You specifically request information about ATF's position on these disclosure restrictions.

As you know, the latest of these restrictions, which is set forth in the Consolidated Appropriations Act of 2006 (the Act), Public L. 109-108, 18 U.S.C. § 923 note (2005), contains a nondisclosure provision applicable to information derived from Federal firearms licensee (FFL) records required under the Gun Control Act of 1968 (GCA), as well as all records maintained by ATF's National Tracing Center in our Firearms Tracing System (FTS) database. The Act provides that no appropriated funds may be used to disclose part or all of the contents of the FTS or any GCA information required to be kept or reported by FFLs to anyone other than a law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution, and then only such information as it pertains to their geographic jurisdiction.

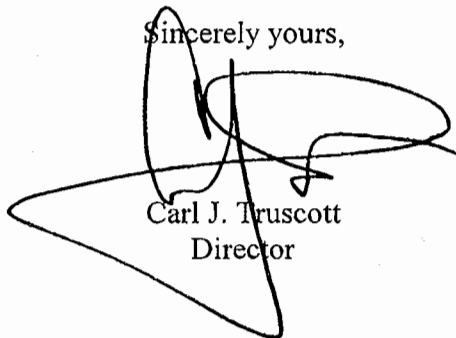
The Department of Justice supports this provision because it protects this law enforcement sensitive data from indiscriminate disclosure. The provision reflects ATF's long-standing policy of disclosing firearms trace results only to the law enforcement agency that recovered the firearm at the crime scene and requested ATF to trace the firearm. This policy, which preceded the passage of the appropriations restrictions in question, recognizes the legitimate interest of the law enforcement agency that provided the investigative information to ATF concerning the traced crime gun in deciding how to utilize and whether to disseminate sensitive law enforcement information that could jeopardize pending investigations. The premature and indiscriminate disclosure of law enforcement information regarding open criminal investigations and prospective investigations based on the leads derived from this data would allow wrongdoers to take action to evade detection and could potentially jeopardize the safety of witnesses, informants, and law enforcement personnel.

Honorable Todd Tiahrt

At ATF, we have a long history of working in partnership with Federal, State, local, tribal, and international law enforcement agencies to investigate and reduce crimes involving firearms. This involves providing firearms trace information to law enforcement agencies investigating crimes in their jurisdiction, helping them identify the chain of possession of firearms from the manufacturer or importer to the initial retail purchaser. In fiscal year 2005, ATF conducted more than 260,000 firearms trace requests for law enforcement.

We hope this information proves helpful in responding to your inquiry. Please let me know if we can be of further assistance.

Sincerely yours,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over the printed name and title.

Carl J. Truscott
Director